

Message Text

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ACTION ACDA-19

INFO OCT-01 EUR-25 ISO-00 CIAE-00 PM-07 INR-10 L-03

NSAE-00 PA-04 RSC-01 PRS-01 SP-03 USIA-15 TRSE-00

SAJ-01 DRC-01 NSC-07 SS-20 AEC-11 IO-14 OIC-04 SAM-01

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R 112045Z JUN 74

FM USMISSION NATO

TO SECSTATE WASHDC 6256

SECDEF WASHDC

INFO AMEMBASSY BONN

AMEMBASSY LONDON

USNMR SHAPE

USDEL MBFR VIENNA

S E C R E T USNATO 3301

E.O. 11652: GDS

TAGS: PARM, NATO

SUBJECT: MBFR: SUGGESTED BELGIAN TEXT FOR PARA 37 OF CM(73)83 ON
REVIEW AND WITHDRAWAL PROVISIONS

1. MISSION HAS RECEIVED COPY (POUCHED RPM) OF LETTER WHICH CURRENT
BELGIAN REP ON SPC FOR MBFR (BURNY) SENT TO CHAIRMAN ON JUNE 10. LETT
ER
PROPOSES THAT QUESTION OF REVIEW AND WITHDRAWAL PROVISIONS, THUS
FAR DISCUSSED IN THE CONTEXT OF PHASE LINKAGE, SHOULD NOW BE CON-
SIDERED IN A MORE GENERAL CONTEXT, I.E., THROUGH ELABORATION OF
AN OVERALL PROVISION IN PARA 37 OF CM(73)83. BELGIUM WILL ADDRESS
THIS PROPOSAL AT NEXT MEETING OF SPC TO FOLLOW SPRING MINISTERIAL.
MISSION'S INFORMAL TRANSLATION OF BELGIAN LETTER FOLLOWS.

BEGIN TEXT

DEAR MR. CHAIRMAN,

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DURING THE COURSE OF DISCUSSIONS WHICH THE SENIOR
POLITICAL COMMITTEE HELD CONCERNING THE PROBLEM CAUSED BY
THE LINK TO BE ESTABLISHED BETWEEN THE FIRST AND THE SECOND
PHASE OF MBFR NEGOTIATIONS, AND PARTICULARLY WITH RESPECT TO THE

PROBLEM RELATED TO A REVIEW PROVISION, MY DELEGATION WAS AMONG THOSE WHICH BELIEVED THAT THE NECESSARY MEASURES SHOULD BE ELEABORATED NOT WITHIN THE SPECIFIC CONTEXT OF THE LINK PROBLEM, BUT IN THE MORE GENERAL FRAMEWORK OF PARAGRAPH 37 OF THE NEGOTIATING MANDATE, AS CONTAINED IN DOCUMENT CM(73)83 (FINAL).

WITHIN THIS CONTEXT, I WOULD LIKE TO SUBMIT FOR THE SENIOR POLITICAL COMMITTEE'S CONSIDERATION A TEXT WHICH WOULD BE INCLUDED IN PARAGRAPH 37, AS NOTED ABOVE, AND WHICH WOULD READ AS FOLLOWS:

"A FIRST PHASE AGREEMENT SHALL INCLUDE BOTH A PROVISION ALLOWING IT TO BE AMENDED OR REVISED, AS WELL AS A WITHDRAWAL CLAUSE.

"THE AMENDMENT AND REVIEW PROVISIONS SHALL INCLUDE THE USUAL CLAUSES RELATING TO SUCH MATTERS; THUS, IT WILL ESTABLISH PROCEDURES SETTING FORTH CONDITIONS WHEREBY AN AMENDMENT CAN BE PRESENTED AND BROUGHT TO THE ATTENTION OF NATIONS PARTY TO THE AGREEMENT; THE CONDITIONS WHICH WOULD SPECIFY HOW A CONFERENCE TAKSED WITH EXAMINING THE PROPOSED AMENDMENT WOULD BE CONVENED; AND THE CONDITIONS REQUIRED FOR APPROVING THE AMENDMENT ITSELF, AS WELL AS ITS ENTRY INTO FORCE.

"THE AGREEMENT COULD ALSO INCLUDE A CLAUSE WHICH WOULD SPECIFY THAT, AFTER A DELAY OF 5 YEARS TO BEGIN WITH THE DATE OF ENTRY INTO FORCE OF THE TREATY, A CONFERENCE WILL BE ORGANIZED TO ENSURE THAT THE OBJECTIVES CALLED FOR BY THE TREATY HAVE BEEN ACHIEVED.

"WITH RESPECT TO THE WITHDRAWAL CLAUSE, EACH NATION PARTY TO THE AGREEMENT WILL RETAIN THE RIGHT TO WITHDRAW SHOULD IT JUDGE THAT EXCEPTIONAL EVENTS RELATIVE TO THE MATTERS WITH WHICH THE TREATY IS CONCERNED, PLACES ITS SUPREME INTERESTS IN JEOPARDY.

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"NOTIFICATION OF WITHDRAWAL SHALL BE MADE THREE MONTHS IN ADVANCE TO ALL NATIONS PARTY TO THE AGREEMENT, AND SHALL INCLUDE AN EXPLANATION OF THE EXCEPTIONAL EVENTS WHICH HAVE LED TO THE DECISION TO WITHDRAW."

I AM ADDRESSING COPIES OF THE PRESENT LETTER TO ALL MEMBERS OF THE SENIOR POLITICAL COMMITTEE.

END TEXT

2. BELGIAN TEXT IS FIRST PROPOSAL BY ANY ALLY TO PROVIDE LANGUAGE FOR MISSING PARA 37. IN BRIEF INFORMAL DISCUSSION WITH MISSION OFFICER, BURNY SAID THAT BELGIANS FELT STRONGLY THAT ALLIES

SHOULD NOT CONSIDER THE KEY QUESTIONS OF REVIEW AND WITHDRAWAL WITHIN THE NARROW CONTEXT OF PHASE LINKAGE, AND THEN MOVE TO A BROADER DISCUSSION WHEN THE TIME CAME FOR HANDLING PARA 37. IN VIEW OF THE IMPORTANCE OF THESE TWO ELEMENTS IN THE OVERALL NEGOTIATING PACKAGE, BELGIANS FELT THE TIME WAS RAPIDLY APPROACHING WHEN THE ALLIES SHOULD CONSIDER THE PROBLEM SUI GENERIS. BELGIANS WERE INTERESTED AT THIS POINT IN OBTAINING ALLIED REACTIONS (PARTICULARLY THOSE OF THE U.S.), AND WERE OPEN TO ANY SUGGESTIONS FOR IMPROVING TEXT. PURPOSE OF PRESENT DRAFT WAS TO STIMULATE DISCUSSION AND IDENTIFY KEY POINTS THAT REQUIRED FURTHER DETAILED EXAMINATION. FOR EXAMPLE, ALLIES WOULD HAVE TO DECIDE WHETHER THE PROPOSED CONFERENCE TO EXAMINE ANY AMENDMENT WOULD BE A PERIODIC AND THEREFORE FORESEEABLE EVENT. IF NOT, IT WOULD BE NECESSARY FOR THEM TO WORK OUT WHO WOULD DECIDE WHEN SUCH A MEETING WOULD BE CONVENED, AND UNDER WHAT CIRCUMSTANCES.

3. BURNY CONCLUDED THAT UNDERLYING AIM OF BELGIAN APPROACH WAS TO PROVIDE ALLIES WITH AN INDISPENSABLE ESCAPE CLAUSE, WHILE AT THE SAME TIME RESPONDING TO SOVIET PREOCCUPATIONS IN A SPECIFIC AND DIRECT MANNER. AS BELGIANS SAW IT, A KEY REQUIREMENT WAS TO BUILD A POSSIBILITY FOR WITHDRAWAL INTO THE REVIEW PROVISION. THIS WOULD PROVIDE FOR A LEGAL AND SPECIFIC METHOD TO WITH

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DRAW FROM

AGREED OBLIGATIONS. SHOULD THE SOVIETS WISH TO WITHDRAW, THIS WOULD BE DONE ON THE BASIS OF A SPECIFIC PROVISION, AND
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NOT THROUGH LONG DRAWN-OUT DISCUSSIONS RESULTING FROM A LESS REGOROUSLY FORMULATED REVIEW PROVISION. BELGIANS FELT THAT IT WOULD BE

IMPORTANT TO BE ABLE TO DEMONSTRATE TO WESTERN PUBLIC OPINION THAT THE SOVIETS WOULD HAVE WITHDRAWN FROM A SPECIFIC PROVISION IN THE AGREEMENT, RATHER THAN AS A RESULT OF LENGTHY DISCUSSIONS FOLLOWING WHICH SOVIETS WOULD CLAIM ALLIED RESPONSIBILITY FOR THEIR SUBSEQUENT ACTIONS. IN ELABORATING DEFINITIVE LANGUAGE, BELGIANS

FELT THAT ALLIES SHOULD HOLD TO STRICT LEGAL FORMULATIONS. BURNY ADDED THAT THEY HAD DEVELOPED THEIR OWN TEXT ON THE BASIS OF SIMILAR PROVISIONS IN THE NON-PROLIFERATION TREATY.

4. WOULD APPRECIATE WASHINGTON REACTIONS TO GENERAL THRUST OF BELGIAN PROPOSAL, I.E., TO DIRECT SPC DISCUSSION OF REVIEW AND WITHDRAWAL PROVISIONS INTO THE FRAMEWORK OF PARA 37. ALSO WOULD APPRECIATE COMMENTS ON SPECIFIC POINTS OF SUBSTANCE. NEXT MEETING OF SPC SCHEDULED FOR LATER IN WEEK OF JUNE 17. BELGIAN PROPOSAL IS CERTAIN TO BE RAISED IN CONJUNCTION WITH FURTHER SPC DISCUSSION ON SECTION IV ASSURANCES.
MCAULIFFE

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<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 11 JUN 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 11 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974ATO03301
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: n/a
From: NATO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740687/abbryvob.tel
Line Count: 163
Locator: TEXT ON-LINE
Office: n/a
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 22 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 MAR 2002 by collinp0>; APPROVED <08 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MBFR: SUGGESTED BELGIAN TEXT FOR PARA 37 OF CM(73)83 ON REVIEW AND WITHDRAWAL PROVISIONS
TAGS: PARM, NATO
To: STATE
SECDEF INFO BONN
LONDON
USNMR SHAPE
MBFR VIENNA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

